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Our ref: KOY-9 Client's ref: F0893-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: Y. USAGAWA et al: Art Unit : 1752

Serial No. : 10/686,062 :

Examiner : T. Chea

Filed : October 15, 2003 :

Title : PHOTOTHERMOGRAPHIC IMAGING MATERIAL :

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DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Narito Goto, hereby declare and say as follows:

1. I am a co-inventor of the above-identified Application.

2. I received a Master's degree in chemistry from Tokyo University in 1979. Since 1979, I have been employed by Konica Corporation (now Konica Minolta Holdings, Inc.), the Assignee of this Application. During my employment at Konica, I have engaged in the research and study of photosensitive materials.

3. I am aware that the Examiner has criticized my Declarations of April 22, 2005 and August 17, 2005 since the starting material for my tests was sample 107 of the present invention instead of a sample of the cited references. I am also aware that the Examiner is uncertain whether the additives present in the materials of the cited references would effect the results presented in my previous Declarations.

4. I have repeated the tests presented in my Declaration of April 22, 2005, except that I have employed samples of Yoshioka and Yamada as a starting materials instead of sample 107 of the present invention. These tests were performed by myself or under my direct supervision and control.

5. Comparative Sample 801 was prepared in the same manner as Sample 001 in Table 1 at col. 48 of Yoshioka, except that 0.000024 mol/m^2 of compound II-31 in col. 17 of Yoshioka was added. Comparative Sample 801 therefore contained compound II-31 of Yoshioka falling within the scope of Formula (2a) of the present invention, and no compound of Formula (1).

6. Inventive Sample 802 was prepared in the same manner as Comparative Sample 801, except that 0.00003 mol/m^2 of compound PR-04 in col. 8 of Murray was added. Inventive Sample 802 therefore contained compound PR-04 of Murray falling within the scope of Formula (1) of the present invention, and compound II-31 of Yoshioka falling within the scope of Formula (2a) of the present invention.

7. Comparative Sample 803 was prepared in the same manner as Sample 1* in Table 30 at col. 80 of Yamada, except that compound 0.000044 mol/m^2 of compound 38 in col. 9 was added. Comparative Sample 803 therefore contained compound 38 of Yamada falling within the scope of Formula (1) of the present invention, and no compound of Formula (2a) of the present invention.

8. Inventive Sample 804 was prepared in the same manner as Comparative Sample 803, except that 0.000035 mol/m^2 of compound R-I-5 in Table 23 at col. 64 Yamada was added. Inventive Sample 804 therefore contained compound 38 of Yamada falling within the scope of Formula (1) of the present invention, and compound R-I-5 of Yamada falling within the scope of Formula (2a) of the present invention.

9. The photographic performance of Samples 801-804 was evaluated in the manner described at pages 250-252 of the present invention, except that a semiconductor laser at 660 nm was used for exposure. The results of the evaluations are illustrated in the attached Table 8. The sensitivity results are represented as a relative value where the sensitivity of Comparative Sample 801 was designated 100.

10. Table 8 demonstrates that a superior photothermographic material is obtained when the photosensitive layer contains a compound of Formula (1) of the present invention and a compound of Formula (2a) of the present invention. Specifically, Inventive Sample 802 exhibits decreased initial

photographic fog, increased initial sensitivity, improved stability in photographic fog after thermal development, improved stability shown by the small increase in maximum density after thermal development, and improved color tone compared to Comparative Sample 801. Similarly, the superiority of Inventive Sample 804 is seen by a comparison with Comparative Sample 803.

11. I believe that one of skill in the art would be surprised that the photothermographic material of the invention exhibits improved initial fog and sensitivity, as well as improved stability maximum density and color tone as illustrated in Table 8.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

Narito Goto

Narito Goto

Dated: This 1st day of November, 2005.

Encl: Table 8

Table 8

Sample No.	Compound of Formula(1)	Compound of Formula(2a)	Photographic Performance at Prompt treatment		Image Stability			Remarks
			Photographic Fog	Sensitivity	ΔPhotographic Fog	ΔMax	Color Tone	
801	None	Compound Ⅱ-31 of Yoshioka	0.09	100	0.08	0.33	3	Comp.
802	Compound PR-04 of Murray	Compound Ⅱ-31 of Yoshioka	0.03	104	0.03	0.11	6	Inv.
803	Compound 36 of Yamada	None	0.07	100	0.08	0.32	2	Comp.
804	Compound 36 of Yamada	Compound R-Ⅰ-5 of Yamada	0.03	106	0.03	0.10	6	Inv.